

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRISTOBAL AUGUSTIN-MIRANDA,

Defendant.

Case Number: 13-20444

Honorable Thomas L. Ludington

Magistrate Judge Charles E. Binder

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY, AND TAKING THE RULE 11 PLEA
AGREEMENT UNDER ADVISEMENT**

On September 17, 2013, United States Magistrate Judge Charles E. Binder conducted a plea hearing pursuant to Defendant's consent. The magistrate judge issued his report the same day, recommending that this Court accept Defendant's plea of guilty. ECF No. 16. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election to not file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 16, is **ADOPTED**.

It is further **ORDERED** that Defendant's plea of guilty is **ACCEPTED**, and the Rule 11 Plea Agreement, ECF No. 14, is taken **UNDER ADVISEMENT**.

Dated: October 7, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 7, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS